

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:08CR25

UNITED STATES OF AMERICA

VS.

CARROL LEE OWENS

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ORDER

THIS MATTER is before the Court on the Defendant's *pro se* motions for the Court's assistance in the filing of his pretrial motions and to be transferred to the Buncombe County Jail. The motions are denied.

The Defendant advises that the personnel of the McDowell County Jail are "giving [him] the run around" by not providing a notary public at his request so that he may filed his notarized motions in this case in a timely manner. The Defendant is advised that motions are not required to be notarized; in the alternative, the Defendant may sign the motions under penalty of perjury if a notary is not available at the jail facility.

The Defendant also requests that he be transferred from the McDowell facility to the Buncombe County Jail where he alleges the

notaries are more accessible. The United States Marshal is responsible for the housing of Defendants in various state and local correctional facilities throughout the District while awaiting trial, sentencing, *etc.*, and numerous factors are considered with each placement, including the availability of bed space. The Court will not second-guess these placement decisions unless extraordinary circumstances compel the Court to do so – the circumstances presented here by the Defendant do not fall in that category.

IT IS, THEREFORE, ORDERED that the Defendant's motions are hereby **DENIED**.

Signed: May 5, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

